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B5M1/0921

EXAMINER
CUNNINGHAM, T

ART UNIT

PAPER NUMBER

2504

DATE MAILED: 09/21/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 7/10/95 This action is made final.

A shortened statutory period for response to this action is set to expire Three month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1, 4-14 and 17-30 are pending in the application.
2. Claims 2, 3, 15 and 16 have been cancelled.
3. Claims _____ are allowed.
4. Claims 1, 4-14 and 17-30 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

Art Unit 2504

The amendment filed 7/10/95 is objected to under 35 U.S.C. § 132 because it introduces new matter into the specification. 35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is the amendment to page 12 reciting that "the voltage level of node VSUM is set equal to zero". It is physically impossible for the voltage at node VSUM to be equal to zero. Clearly, a divided voltage, between the power supply and ground, will exist at VSUM. As clearly stated in the previous action, it is the current at the node (according to Kirchoff's current equation) that equals zero, not the voltage.

Applicant is required to cancel the new matter in the response to this Office action.

Claims 1, 4-14 and 17-30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-16 are not understood. There is no antecedent for "the threshold voltage". Also, since it has not been claimed what the recited "threshold voltage" and the "base emitter voltage" correspond to, such cannot be understood.

Examiner has considered Applicant's remarks, however, for particulars such as "threshold voltage" and "base emitter voltage", there must be an actual element recited that has these attributes. It is clearly improper to just claim attributes of elements without reciting the actual element.

Claim 4 is rejected for similar reasons as claim 1.

Claims 5-13 are rejected for the reasons discussed above with claim 4.

Claims 9-13 are rejected for the reasons discussed above with claims 4-8.

In claim 9, it is still not understood what is meant by "set between selected voltages". There is nothing disclosed about "selected voltages". It appears that this should reference to --predetermined voltages--.

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In claim 10, it is not understood what is meant by the term "located". The term located cannot be considered to be a positive recitation of connection. Therefore, there is no connection seen recited for the "cascode stage".

Claims 14 and 17-26 are rejected for similar reasons as claims 1 and 4-13.

In claim 27, line 7, there is no support in the specification for the language reciting that "the summing node voltage level is responsive to the currents supplied". In line 17, it is not understood what is meant by nor does there appear to be support for "a preselected power supply voltage".

Claims 28 and 29 are rejected for the reasons discussed above with claim 27.

Claim 28 is rejected for similar reasons as claim 1.

Claim 30 is rejected as being dependent on a cancelled claim.

Claims 1, 14, 27 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by Bingham. Bingham discloses, in Figs. 1 and 3, a circuit comprising: "a first circuit (20 of Fig. 1)"; "a direct current sum bandgap voltage comparator (36 and 56 of Fig. 3)" having "a summing node (52 of Fig. 3)", "a plurality of current sources (110 and 116 of Fig. 3)" and "an indicator circuit (56 of Fig. 3)"; "a switching circuit (40 and 48 of Fig. 3)"; "a primary power supply (14 of Fig. 1)"; and "a secondary power supply (22 of Fig. 1)", all connected and operating similarly as recited by Applicant.

Applicant has considered Applicant's remarks and has not found them to be persuasive. With respect to claims 1, 14 and 18, since the language discussed by Applicant cannot at all be understood, no weight can be given thereto. With respect to claims 27-30 (only claims 27-39 apply), Applicant's statement is clearly incorrect. The reference to Bingham discloses a switchable power supply. Due to the present breadth of claims 27-29, clearly the power supply could be seen to include elements 40 and 48. Therefore, the power supply voltage would be provided at node 30.

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Claims 4-13 and 17-26 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terry Cunningham at telephone number (703) 308-4872. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

The fax phone number for Art Unit 2504 is (703) 308-7722. Please note, any faxed paper clearly stating **DRAFT** or **PROPOSED AMENDMENT** at the top will be forwarded directly to the Examiner. All others will be treated as a formal response and acted upon accordingly.

TC
September 19, 1995

Terry D. Cunningham
Terry D. Cunningham
Primary Examiner
Group Art Unit 2504